

Accessory Dwelling Units (ADU)

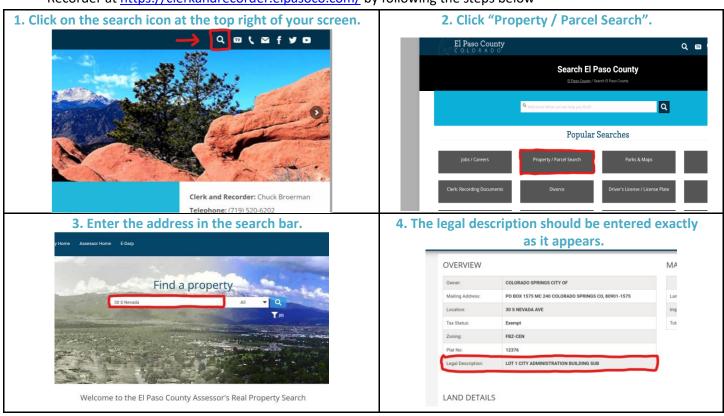
Instructions for Owner Occupancy and Prohibition of Subdivision and Separate Sale Affidavits

When should these documents be used?

When a single-family property has a separate living space that is intended to be rented or functionally separate from the main living space – meeting the definition of an ADU – these documents shall be required. The ADU can be utilized if all requirements in City Code Subsection 7.3.304 E are met. For more information on these requirements, please view the applicable City Code section at https://codelibrary.amlegal.com/codes/coloradospringsco/.

What is the process to submit the documents into a building permitapplication?

- Confirm that the documents are needed for the building permit submittal. If you have question about what documents are required, contact the Development Review Enterprise at 719-385-5982 or DREPlanningInfo@coloradosprings.gov.
- 2. Fill out the Owner Occupancy and Prohibition of Subdivision and Separate Sale Affidavits included in this packet. The property's legal description can be found online through the El Paso County Clerk and Recorder at https://clerkandrecorder.elpasoco.com/ by following the steps below —



- **3.** Sign the document in the presence of a notary.
- **4.** Record the documents at the El Paso County Clerk and Recorders Office located at 1675 W. Garden of the Gods Road, Suite 2201, Colorado Springs, CO 80907. **Please call ahead to check for availability at 719-520-6202.**
- 5. Include the recorded documents as part of the building permit submittal.

What happens if a property is used as an ADU without proper affidavits?

A code enforcement case may be opened on the property. If a case is opened, the site will be required to come into compliance with current code.

RESTRICTIVE COVENANT REQUIRING OWNER OCCUPANCY FOR ACCESSORY DWELLING UNIT



This restrictive covenant shall be notarized and then recorded with the El Paso County Clerk and Recorder's office. Please submit this restrictive covenant with the recordation information with any building permit application associated with the Accessory Dwelling Unit (ADU). The purpose of the restrictive covenant is to enforce the owner-occupancy requirements of City code and to provide notice of City Code requirements to future purchasers of the Property. If the completed restrictive covenant

is not submitted as outlined above, City Planning may withhold building permits and/or certificates of occupancy. Those with ADUs not compliant with City Code are liable to Zoning Enforcement action which may include civil actions against the property owner.

This restrictive covenant is required only for ADUs located within the fol R-1 9 (Single-Family Residential), or R-1 6 (Single-Family Residential).	lowing zone districts: R (Residential Estate),
I/We,located in the City of Colorado Springs, El Paso County, State of Colorado	, the Owner(s) of the real property do, described as:
Legal Description (or see attached) (required):	
Known by (Street Address):Colorado Springs, CO (the "Property"), agree to be bound by the follow binding upon the land:	ving restrictions, which shall run with and be
 The Owner(s) shall comply with any owner-occupancy requirements. The Owner(s) agree to notify prospective purchasers of the Propositive of the owner-occupancy requirement set forth in City Code and of the owner-occupancy requirement set forth in City Code and of the owner-occupancy requirement set forth in City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only be released by a written release from the City of Colorad may only by the City	perty of the regulations governing ADUs and of this restrictive covenant. o Springs by an action in law or equity, and
Signature(s) of Property Owner	Date
Property Owner Printed Name(s)	_
STATE OF COLORADO) ss.	
COUNTY OF)	
Acknowledged before me thisday of, 20, by _	[Owner(s)]
Witness by hand and official seal.	
My commission expires:	

Notary Public

RESTRICTIVE COVENANT PROHIBITING SUBDIVISION AND SEPARATE SALE OF ACCESSORY DWELLING UNIT & ACCESSORY FAMILY SUITE



This restrictive covenant shall be notarized and then recorded with the El Paso County Clerk and Recorder's office. Please submit this restrictive covenant with the recordation information with any building permit application associated with the Accessory Dwelling Unit (ADU) or Accessory Family Suite (AFS). The purpose of the restrictive covenant is to restrict the subdivision and sale of an ADU or AFS separately from the primary dwelling and to provide notice of City Code requirements to future

purchasers of the Property. If the completed restrictive covenant is not submitted as outlined above, City Planning may withhold building permits and/or certificates of occupancy. Those not compliant with City Code are liable to Zoning Enforcement action which may include civil actions against the property owner.

This restrictive covenant is required for an ADU or AFS located Estate), R-1 9 (Single-Family Residential), R-1 6 (Single-Family Use Neighborhood), MX-M (Mixed-Use Medium Scale), MX-L (M	Residential), OR (Office Residential), MX-N (Mixed-
I/We, located in the City of Colorado Springs, El Paso County, State o	the Owner(s) of the real property
Legal Description (or see attached) (required):	
Known by (Street Address) (required):	ne following restrictions, which shall run with and be
 The ADU or AFS shall not be held in separate owners primary dwelling be located on separate lots pursuant to Subdivision is subject to the review and approval of a process. This restrictive covenant may be enforced by the City of may only be released by a written release from the City of the	a lawful subdivision as provided for in the City Code. eliminary and final plat. f Colorado Springs by an action in law or equity, and
Signature(s) of Property Owner	Date
Property Owner Printed Name(s)	
STATE OF COLORADO) ss. COUNTY OF)	
Acknowledged before me thisday of, 20	_, by [Owner(s)]
Witness by hand and official seal.	
My commission expires:	

Notary Public